

**Remarks of Professor Payam Akhavan McGill University,  
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The question of religious freedom has far-reaching implications for the legitimacy of an authoritarian theocratic State. In the Islamic Republic of Iran, State power is based on the myth that there is only a single, incontestable interpretation of Islam as defined by unelected religious clerics and others in the inner circle of the ruling class. This ideology of exclusive authenticity is invoked to justify constitutional structures that subordinate democratic aspirations to the self-proclaimed divine mandate of clerics who claim to be accountable only to God. Thousands are disqualified from elections because the Council of Guardians does not approve their Islamic credentials, and any expression of criticism that vaguely threatens those in power is deemed to be un-Islamic and subject to punishment. Leaving aside the burgeoning Islamic reformists and secular democrats, this myth of Islamic authenticity is easily exposed by dissent in the ranks of senior Ayatollahs who bemoan the corruption of their venerable tradition by the profane temptations of opportunism and power. It is in this context that the discourse of the Islamic Republic and its broad demonization of the diverse democratic opposition should be understood.

The construction of enemies is a fundamental attribute of authoritarianism. The obsessive focus on threats posed by “external” enemies is an integral aspect of the political homogenization that justifies repression of “internal” enemies that are invariably portrayed as agents of “American Imperialism” or “Zionism”. Authentic indigenous calls for democracy and human rights are transformed into a foreign conspiracy against Islam and Iranian sovereignty. Challenging the unchecked power of the clerics is depicted as blasphemy. A public dissatisfied with economic decline and political repression is silenced by the rhetoric of militant survivalism in the face of an imminent threat, whether an American military attack or the prospect of a Velvet Revolution by Iranians, both of which are viewed as part of the same transaction. The all-consuming Western emphasis on Iran’s nuclear program has allowed President Ahmadinejad’s apocalyptic hatemongering to eclipse the aspirations of Iran’s overwhelmingly youthful population, 70% of whom are 30 years of age and under. While the Western media dwells on exoticized images of Islamic terrorists in the post 9/11 world, a profound and

irresistible demographic shift is redefining Iranian society from within. This is a disillusioned, postideological generation that dreams of a prosperous and open society built on democracy and the rule of law. It is a generation that is internet savvy, glued to satellite television, and no longer satisfied by the utopian clash of civilizations rhetoric that increasingly unpopular leaders peddle because they have nothing else to offer their people. It is a diverse and dynamic society, of student activists and public intellectuals, journalists and web-loggers, feminists and artists, teachers and bus-drivers unions, the complex but intertwined ingredients of an emerging civil society that is by far the biggest threat to Tehran's hardliners, as demonstrated by increasingly desperation to infiltrate the NGO community and to arrest and prosecute its leaders.

Throughout its modern history, Iran has been a trophy in the machinations of foreign powers with little regard for the welfare of its people. Today, Iran is viewed primarily through the prism of nuclear non-proliferation, energy security, and regional stability. While UN resolutions periodically condemn Iran's human rights record, there is no serious consideration given to the aspirations of the long-suffering Iranian people whose voices are displaced by the logic of realpolitik. On the one hand, there is fear of military conflict over the nuclear issue that will harm the reformists and help strengthen the hand of hardliners in the name of fighting the common enemy. On the other hand, there is the fear of a "grand bargain" with Iran which will lead to Western toleration of human rights abuses in the name of national self-interest. In both scenarios, the Iranian people lose. There has to be an understanding that beyond questions of a principled foreign policy, the only basis for long-term stability in Iran and the wider middle-east region is to encourage a genuine process of democratic reform. A pluralistic government that reflects the daily needs and peaceful aspirations of its people and thus perceived as legitimate will be less inclined to resort to hate-mongering or to assert its authority through terror and intimidation. The ingredients for such a transformation are present despite the momentary setback in the wake of President Khatami's political demise occasioned by "parallel structures" through which hardliners sabotaged even the modest reforms of that administration. Beneath the façade of extremism is a population that has moved beyond the political conceptions of the past, and their cause is championed by luminaries like Shirin Ebadi, Akbar Ganji, and Abbas Amir-Entezam. At this critical juncture, the core of a principled foreign policy must consist of a twin strategy of empowering the Iranian people while isolating those that stand in their way. It would be a grave mistake to try and dominate or manipulate the democratic process for short-term objectives. While the international community has an important role to play, as it did in the struggle against Apartheid and other repressive regimes, it must be understood that this struggle is first and foremost that of the Iranian people.

A particular aspect of a principled foreign policy that I wish to raise with the Commission today is the question of accountability for human rights violations. This is an area where the international community has an important role to play. From its very inception, the Islamic Republic has engaged in widespread and systematic human rights violations against its

citizens. Arbitrary executions, torture, religious and political persecution, even assassination of dissidents abroad, these are the hallmarks of a government that has extinguished the lives of countless thousands as a means of staying in power. There is a direct connection between impunity for such atrocities and the continuation of repressive policies. Consider that the current Interior Minister, Mostafa Pour-Mohammadi, has been implicated by Human Rights Watch in the mass execution of some 4,000 leftist political prisoners in 1988. The previous Justice Minister Ismail Shooshtari was similarly implicated in this incident. The Prosecutor-General of Tehran, Saeed Mortazavi, who was promoted after a Commission of Inquiry under President Khatami implicated him in the torture and murder of Canadian-Iranian photojournalist Zahra Kazemi, is yet another figure who embodies a political culture in which human rights violations are a right of passage to the inner circle of power, a badge of honour demonstrating unquestioned loyalty to the regime. It doesn't take much imagination to realize that the assumption of public office by those that should be prosecuted for crimes against humanity is not conducive either to a domestic policy of reform or to a foreign policy of good neighbourly relations. In the ordinary course of events, such abuses would be handled by an independent and impartial judiciary. In Iran however, it is the judiciary itself that is an instrument of repression as demonstrated by the foregoing examples of Iranian officials.

A genuine democratic transformation requires justice for the victims of these crimes and a shift in the boundaries of power and legitimacy in a system where a culture of impunity has prevailed. There is an inextricable relationship between holding leaders accountable for human rights violations, opening a space for democracy and civil dialogue, and the transformation of Iran's regional posture. While each situation is unique, the experience of the International Criminal Tribunal for the former Yugoslavia at The Hague where I previously served is instructive. Were it not for the arrest and prosecution of ethnic hatemongers such as President Milosevic, or rendering others such as Radovan Karadzic fugitives, the former Yugoslavia would be a less stable region. Informed Iranian sources have indicated that it is imperative to send the message to the Iranian leadership that they will be held to account for their crimes beyond the borders of Iran.

A point of departure in such an undertaking is simply to document and publicize the truth. The Iran Human Rights Documentation Centre, established in 2003, has engaged in the publication of meticulously detailed analytic reports that address human rights violations and attempt to identify those most responsible in the hopes that the uncovering of the truth will make it that much more difficult to avoid a reckoning with the past when the opportunity presents itself. The Centre has the good fortune of being treated with suspicion by both ends of the political spectrum; those that believe it is part of a rightwing conspiracy to legitimize the invasion of Iran, and those that think it is an inconsequential left-wing NGO. The reality is that the Centre's dedicated staff have laboured to prepare some of the best documented analytical human rights reports on Iran, including two on the persecution of Baha'is, which are widely disseminated in Iran and which it is hoped will contribute to creating a space for internalizing accountability in any future democratic scenario. Some governments have privately expressed support but are

reluctant to publicly endorse this project for fear of alienating the Iranian Government. Multilateral support is vital for engaging the international community in a process that should eventually give rise to a more formal mechanism for identifying those responsible for crimes against humanity with a view to stigmatizing and isolating them, both in Iran and abroad.

In June 2006, at the inaugural meeting of the UN Human Rights Council in Geneva, I learned that a member of the Iranian delegation was Saeed Mortazavi, who as I previously explained is a notorious magistrate allegedly responsible for the imprisonment and torture of countless dissidents. Since he had been implicated in the death of Canadian-Iranian photojournalist Zahra Kazemi, the Prime Minister of Canada Stephen Harper called for his arrest for the international crime of torture. Beyond the INTERPOL arrest warrants against Iranian leaders implicated in assassinations in Germany and Switzerland and the terrorist bombings in Argentina, this was the first time that human rights violations within Iran itself became subject to such measures. Mortazavi went into hiding shortly thereafter and quickly returned to Tehran and has apparently not left the country since then. Reliable sources have indicated that this move stirred considerable commotion in Iran and was a symbolically powerful rebuttal to the perception among most that leaders responsible for atrocities are untouchable. Beyond such ad hoc measures, there is a need for a concerted international policy of ensuring accountability and this at least requires serious consideration and an informed dialogue aimed at exploring its potential impact. One starting point could be extension of UN Security Council targeted sanctions against those involved in the nuclear industry to those implicated in serious human rights abuses. Travel bans and asset freezes on human rights grounds could contribute to the isolation of elements responsible for international crimes and empower those discouraged by the air of invincibility created by hardliners. This after all was the deliberate message behind the selection of Mortazavi as Iran's delegate of choice at the UN Human Rights Council; namely, a message of impunity and brazen defiance. Other more vigorous options could include an international commission of inquiry or even discussion of an international criminal tribunal that in due course could bring perpetrators of crimes against humanity to justice.

My purpose today is not to elaborate in great detail the form and shape that such a process may eventually take but simply to emphasize the tremendous importance of accountability to any principled foreign policy. I am aware that those of a realist persuasion may dismiss this theme and these proposals as naïve idealism. But I am comforted by the fact that when I served as Legal Advisor to the Prosecutor of the Yugoslav Tribunal, we received the same treatment, only to become one of the most important instruments of governance and post-conflict peace-building in the Balkans. We must elevate our sights beyond narrow immediate considerations and realize that a better future cannot be built without reckoning with the past, that a principled approach is the only lasting basis for stability, and that the achievement of democracy and human rights by the Iranian people holds the potential of completely transforming the middleeast region.